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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Bulgaria, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Note verbale dated 24 December 2001 from the Permanent Mission of Bulgaria to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and as requested in paragraph 6 of resolution 1373 (2001) and in accordance with the Counter-Terrorism Committee's note SCA/20/01(6) has the honour to transmit enclosed herewith as follows:

- National report on the Counter-terrorist activities of the Republic of Bulgaria in implementation of Resolution 1373 (2001) of the UN Security Council on Measures to be Adopted by the UN Member-States for the suppression of terrorism;

Annex 1

- Declaration of the 39th National Assembly of 12 September 2001 on the Terrorist Acts of 11 September 2001 in the United States
- Declaration of the 39th National Assembly of 21 September 2001 on the Terrorist Acts in New York and Washington
- Decree No. 277 of 12 December 2001 on the implementation, by the Republic of Bulgaria, of Resolution 1373/2001/ of the UN Security Council of 28 September 2001

Annex 2

- List of International Legal Instruments Related to the Prosecution and Punishment of Various Forms of Terrorism to which the Republic of Bulgaria is a Party as of the Present Moment

Annex 3

- List of Regulatory Acts of the Domestic Legislation of the Republic of Bulgaria Related to the Suppression of Terrorism

Annex 4

- List of Bilateral and Multilateral International Agreements Containing Clauses on Cooperation in the Suppression of Terrorism to which the Republic of Bulgaria is a Party.

Counter-Terrorism Activities of the Republic of Bulgaria in implementation of Resolution 1373 (2001) of the UN Security Council on Measures to be Adopted by the UN Member-States for the Suppression of Terrorism

NATIONAL REPORT

The international community defines, with good reason, the threat of international terrorism as a common threat to all states and humanity. The Republic of Bulgaria is guided by the assessment of the UN Security Council that the terrorist attacks of 11 September 2001 against the United States as well as any other act of international terrorism constitute a threat to peace and security. A threat which may reach such a scale of aggressiveness and power as to disrupt inter-state communication, trade relations, scientific and cultural exchanges and to infringe upon the freedom of human spirit. The Republic of Bulgaria condemns all forms of terrorism, both national and international, regardless of what their motives are – political, religious, ethnic or social.

Bulgaria declares itself in favour of international intolerance to terrorism in any form whatsoever. The counter-terrorism resolutions adopted by the UN Security Council, Resolution 1373 above all, the measures undertaken by other influential international organizations as well as the effective application of international legislation should lead to a code of national and international conduct of states directed at operative punitive persecution of those who incite, commit or facilitate terrorism. In its capacity of non-permanent member of the Security Council with a mandate beginning as of 1 January 2002, the Republic of Bulgaria will continue to further actively contribute to international cooperation aimed at suppressing and outlawing terrorism. Bulgaria is also prepared to assist in the elaboration and adoption of a new comprehensive convention on the suppression of terrorism.

The Parliament and Government of the Republic of Bulgaria unanimously and categorically declared themselves for a global coalition to fight terrorism and approved logistic facilities and support to the coalition by the Bulgarian side.[1] Bulgaria aligned with the decision of the North Atlantic Council of 4 October 2001 and joined the European Union Plan of Action of 21 September 2001[2] as well as the Declarations of the European Conference at the ministerial level (Brussels) and the Counter-Terrorism Summit of Central and East European States (Warsaw). Bulgaria participates also in the OSCE Plan of Action against Terrorism adopted by the Council of Ministers in Bucharest.

The Republic of Bulgaria is among the states for which the threat of international terrorism has a geo-strategic dimension constantly causing a most serious concern. The specifics of the crossroad location of South East Europe and especially the still smoldering hotbeds of tension and armed conflict in West Balkans are a nourishing environment for recurrence of international terrorism, organized crime and illicit cross-border trafficking.

In this context, the authorities of the Republic of Bulgaria have been working consistently so that no foreign and international terrorist organizations would make use of the territory of the country. Furthermore, the Bulgarian Government is committed to forestall any attempts for establishing channels between organized criminal structures in the country and international terrorist groups and networks. These actions on a national level are also based on the Integrated Counter-Terrorism Strategy adopted by the Government of the Republic of Bulgaria in 1998. In implementation of Resolution 1373 of the UN Security Council, a National Plan of Detection and Prevention of Terrorist Activities in the territory of the Republic of Bulgaria has been urgently developed and adopted.

More specifically, in implementation of the provisions of Resolution 1373 (2001) of the UN Security Council aimed at preventing and suppressing terrorist acts, the Government of the Republic of Bulgaria has undertaken the following measures:

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[1] See Annex 1.

[2] See Annex 2 and Annex 3.

1 (a) Prevention and suppression of the financing of terrorist acts

The main task of all relevant Bulgarian institutions, both before and especially after 11 September 2001, has been to carry out effective action aimed at preventing and blocking the access of terrorist groups and organizations to financing. Concrete measures are taken to rule out the possibility of providing, from Bulgarian territory, funds, financial assets or economic resources, financial or other related services, directly or indirectly, to persons who commit or attempt to commit, facilitate or participate in the commission of terrorist acts; to structures owned or controlled, directly or indirectly, by such persons and by persons and structures acting on behalf of such persons or at their directions.

In addition to reviewing and updating the legal basis related to the fight against terrorism, the following concrete practical steps have been made in that direction, namely:

- the competent authorities have updated the confidential lists of terrorist organizations that may try to initiate such activities inside and outside the territory of the Republic of Bulgaria;

- the financial intelligence is now set up as a separate administration, an Agency, under the Minister of Finance. By virtue of the amendments and supplements introduced to the Law on Measures against Money Laundering (adopted in 1998) effective since the beginning of 2001, the circle of persons required to identify their clients and report any suspicious operations and deals to the Financial Intelligence Agency has been extended and now includes the Bulgarian National Bank, the customs administration, the Central Depository, sports organizations, pension funds, car dealers etc.; a lower ceiling has been established for identification of clients in foreign currency exchanges in cash. Rather precise are now the regulations concerning the out-of-court access of the Financial Intelligence Office to any information constituting a bank, official and trade secret and particularly in case of inquiries made by foreign financial intelligence units. Strictly defined are the information flows - in terms of destination and contents, and the personnel of the Financial Intelligence Agency are expressly required, under the law, to protect the information that may have come to their knowledge. Rather important is the fact the Agency has acquired independent controlling functions including on-the-spot control over persons in charge of finances.

Furthermore, the Financial Intelligence Agency under the Minister of Finance has developed a work plan on the basis of which the following actions have been undertaken or are still underway:

1. Jointly with the Bank Supervision Division of the Bulgarian National Bank (BNB), inspections have been organized in commercial banks to check up on bank accounts held or operations transacted by or in favour of 502 persons and entities suspected of financing terrorist organizations or activities communicated to the Bulgarian side by the competent US authorities (including those listed in executive orders of the US President) with a view to promptly identifying and blocking their assets. Despite the thorough check-ups, such accounts have not been found yet.

2. Jointly with the Bulgarian National Bank, the bodies of the Ministry of the Interior, the Customs Agency etc. have organized inspections on the basis of lists containing 412 persons and entities received from the relevant services of the countries of the anti-terrorist coalition.

3. A further analysis has been made of the information, received on the basis of actions undertaken pursuant to the Law on Measures against Money Laundering by the Financial Intelligence Agency, which is not directly related to the Law but which, presumably, may concern operations from and nationals of states considered risky in terms of financing of terrorist activities.

"Bulgarian Posts" SPLC, a state company, has made all the necessary inquiries with a view to countering the threat, all concerted actions on a national level have been coordinated (the National Security Service, Operational/Technical Investigations Directorate – Ministry of the Interior, Hygiene and Epidemiology Inspection, Civil Defense) and on an international level (International Bureau of the Universal Postal Union and the Central European Group of the Universal Postal Union). Ordinances regulating the actions and the reporting of the events have been adopted and circulated. Measures and methods introduced through the Universal Postal Union and the experience of the US Postal Administration have been taken up. An Events Bulletin provides information on deposits made. The Bulgarian Posts SPLC continues to fulfill its obligations pursuant to the Law on Measures against Money Laundering in concert with the Financial Intelligence Agency under the Minister of Finance. The Bulgarian Posts SPLC has also undertaken measures aimed at stepping up the physical control at all

postal offices; has made an evaluation of the investments needed for introducing video-control and control over the access to most important international forwarding offices; a part of the technology of interaction with the Customs, the Ministry of the Interior etc. has been upgraded.

(b) Legislative measures undertaken for prosecution and punishment of the financing of terrorist acts

The Bulgarian criminal law provides essential legal grounds for prosecuting and punishing the financing of terrorist acts. In this context, of special importance are the Criminal Code institutes of "preparation" and "complicity". Furthermore, the Criminal Code provides for punishment of accessories as accomplices in the perpetration of an intentional crime (respectively a terrorist act), i.e. those who have intentionally facilitated the perpetration of a crime through advice, explanations, promises to render assistance after the act, removal of obstacles, supply of means or in any other way (Article 20 of the Criminal Code).

In addition to that, with regard to most crimes of a terrorist nature such as subversion, murder and most generally dangerous crimes, a punishment is also envisaged for the preparation itself including "getting ready the means, finding accomplices and, in general, creating conditions for the perpetration of the intended crime before the commencement of its perpetration (Article 17 of the Criminal Code). The preparation (including the financing) for most generally dangerous crimes constituting, in substance, terrorist acts, is punished by deprivation of liberty for three to eight years (Article 356a of the Criminal Code).

In the Criminal Code, a comprehensive list of crimes and punishments for acts constituting terrorist acts under the relevant UN Conventions is given. The criminal legislation in force concerning these criminal acts is, to a great extent, in line with the international standards.

In implementation of the obligations arising from the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, signed and ratified by the Republic of Bulgaria, the first Law on Measures against Money Laundering was passed in the Republic of Bulgaria in 1996. 1997 saw the adoption of an amendment and supplement to the Special Part of the Criminal Code thereby criminalizing money laundering (Article 253 of the Criminal Code). Under the new Law on Measures against Money Laundering adopted in 1998, the legislator introduced the concept of self-organization of the financial system in the prevention and detection of attempts aimed at using the system for the purposes of money laundering. It has been envisaged for the institution authorized to discharge the main functions related to prevention against the use of the financial system for the purposes of money laundering, to be set up as a part of the financial system itself and integrated in the structure of the Ministry of Finance.

The Bulgarian state has been adopting the necessary legislative and practical measures guaranteeing, on the one hand, that each person who is involved in the financing, planning, preparation or commission of terrorist acts or supports terrorist acts shall be liable to the judicial bodies, and also guaranteeing, on the other hand, that, in addition to all other measures against them, such terrorist acts shall be treated as severe criminal offences under the domestic legislation and regulations and that punishments shall reflect the gravity of such terrorist acts.

(c) Measures undertaken to freeze accounts and assets in banks and financial institutions

With a view to freeze financial assets of persons committing or attempting to commit terrorist acts or being involved in or facilitating the commission of terrorist acts; of structures owned or controlled, directly or indirectly, by such persons and by persons and structures acting on behalf of such persons and structures or at their directions, including financial means derived from or generated through ownership held or controlled, directly or indirectly, by such persons and persons or structures connected to them, Article 185 "Obligations for taking measures to prevent crimes" of the Code of Criminal Procedure shall be applicable under which "the public prosecutor and the examining magistrate should take the necessary measures to prevent a crime (including terrorist act) for which there are grounds to suppose that it will be committed, including a temporary seizure of the means with which the crime could be perpetrated".

The Law on Measures against Money Laundering adopted in 1998 envisages the possibility for the Minister of Finance, at the proposal of the Director of the Financial Intelligence Agency, to suspend, by a written order, a certain operation or deal – for up to three working days – whereof the Prosecutor's Office shall be notified (Article 12). The public prosecutor may impose a preventive measure or make a request to the respective court to

levy a distraint or impose an injunction. The court shall pronounce itself on the request within 24 hours. The new situation that has emerged after the terrorist acts on 11 September 2001 calls for a review of the existing legislative base. The intention is to develop a new system of measures including amendments and supplements to preventive laws in force such as the above-mentioned law or to create a new law (see 1 (e)).

A concrete example of measures to freeze accounts and assets in banks and financial institutions is Decree No.39 of the Council of Ministers of Bulgaria of 27 March 2000, which was adopted in implementation of Resolution 1267 (1999) of the Security Council envisaging to freeze "the financial resources owned or controlled by the Taliban group".

On 12 December 2001 the Council of Ministers adopted a special Decree in the context of the application of Resolution 1373 (2001) to freeze, under a respective procedure, the funds and other financial assets or economic resources of persons and entities committing, attempting to commit or facilitating the commission of terrorist actions. The Decree envisages also the freezing of financial assets of third persons obtained or originated from property owned or controlled, directly or indirectly, by persons and entities committing, attempting to commit or facilitating the commission of terrorist acts.[3]

(d) Measures undertaken for suppression of the financing of terrorist acts

The Financial Intelligence Agency under the Minister of Finance has also undertaken other measures in addition to those listed under sub-paragraph (a) to suppress the financing of persons or organizations committing or attempting to commit terrorist actions:

1. Preparation for broadening the scope of the system for reporting operations and deals presumed to be connected with or intended to be used for terrorism. That is accomplished by supplementing the system of criteria obligating financial institutions and financial agents to report on suspicious operations and deals and a special attention is paid to:

- full and exhaustive information concerning the identification of persons, operations and deals, particularly those from and towards states and territories in which there are no effective systems for countering money laundering and financing of terrorist activities;
- monitoring of financial means, deposited in cash in banks even if customs declarations on legal transfer through the Bulgarian border have been presented;
- prompt reporting of operations and deals of entities and persons for whom there is information to the effect that they are directly connected or controlled by structures involved in the financing of terrorist activities.

2. A system of criteria for identifying and reporting financial operations of non-profit organizations aimed at diverting legitimate funds for financing of terrorist activities is being elaborated.

3. Measures to identify unlawful systems of alternative payments are now being worked out and applied.

4. Currently, lists of persons and entities received by the Financial Intelligence Agency through the international exchange of financial intelligence information, are being recorded with a view to obligating banks to report on their operations and deals.

(e) Planned legislative measures

On 10 December 2001, the Council of Ministers adopted Decision No. 804 on ratification of the Convention for the Suppression of the Financing of Terrorism adopted on 9 December 1999. The National Assembly of the Republic of Bulgaria will ratify the Convention in the near future. With a view to effectively applying that Convention upon its ratification, an amendment is envisaged to the Criminal Code and other domestic legislation as well as the adoption of new regulatory acts intended to bring the legislation of the Republic of Bulgaria in line with the provisions of Articles 4, 5, 8 and 18 of the Convention. The changes to be made in the Bulgarian legislation will reflect the latest recommendations of the FATF Meeting held on 31 October 2001 and the Republic of Bulgaria will join FATF in the near future.

The forthcoming amendments and supplements to the Criminal Code will contain a special text on terrorism to criminalize the collection or provision, in any way whatsoever, of funds for perpetration of a terrorist act or in

[3] See Annex 1.

the knowledge that they will be used for that purpose and to envisage confiscation of the funds subject of that act. Other amendments and supplements to the Criminal Code are also under preparation to introduce punishment for preparation of the following crimes too which may constitute terrorist acts: Article 142 and 142a (kidnapping and unlawful deprivation of liberty); Article 337 (illegal manufacture, trade, transportation, importing or exporting explosives, firearms or ammunition); Article 356f and Article 356h, paragraph 2 (some crimes related to the use of atomic energy for peaceful purposes).

Special criminal provisions on terrorism and financing of terrorism have been drafted providing for a seizure of the means of financing terrorist acts (draft of a new Article 108a if the Criminal Code) as well as motions on the punishment of the preparation for some crimes which may constitute terrorist acts (kidnapping and unlawful deprivation of liberty; illegal manufacture, trade, transportation, importing or exporting explosives, firearms or ammunition; and some crimes with regard to the use of atomic energy for peaceful purposes) which, after the completion of the mandatory procedures of submission and discussion will be adopted by the National Assembly.

A special law (Law on Suppression of Terrorism) is envisaged to be drafted and adopted to introduce a mechanism of freezing the financial assets owned by persons who finance terrorist acts (and other grave crimes) as well as a seizure (confiscation) of property which has been acquired, used, intended or provided for financing terrorism, terrorist acts or terrorist organizations.

The Ministry of Finance is preparing a motion on amendments with a view to creating a regulatory frame of a mechanism of supervising the financial flows to prevent the use of the financial system of the Republic of Bulgaria for financing terrorist acts. This draft will comprise amendments and supplements to effective preventive laws such as the Law on Measures against Money Laundering or the creation of a new law. The system of supervision will include identification of subjects suspected of financing terrorist activities, collection of additional information, analysis of that information and its delivery to the law-enforcement bodies.

Clauses on cooperation in the suppression of the financing of terrorism are included in a number of bilateral and multilateral international agreements to which the Republic of Bulgaria is a Party.[4]

2. (a) Legislative and other measures in force for countering the recruitment of members of terrorist groups and the supply of arms to terrorists.

In the context of the direct organization, preparation, supply and armament of terrorism, the Bulgarian legislation unequivocally defines, as a crime, the provision of any forms of assistance, active or passive, to structures or persons involved in terrorist acts, recruitment of members of terrorist groups and arms supplies to terrorists.[5]

The recruitment of members of terrorist groups and arms supplies to terrorists are punishable as preparation for or facilitation of a respective terrorist act. Besides, illegal arms supplies may be punished as generally dangerous crimes (Article 337 and Article 339 of the Criminal Code) or qualified contraband (Article 242).

In addition to that, the special Decree of the Council of Ministers adopted on 12 December 2001 concerning the application of Resolution 1373 (2001) explicitly prohibits the recruitment, in any way whatsoever, of members of terrorist groups, by Bulgarian persons or entities or in the territory of the Republic of Bulgaria as well as the sale, supply or transfer, by Bulgarian persons or entities or in the territory of the Republic of Bulgaria, of any kinds of armament and related equipment to persons or entities involved in the preparation or commission of terrorist acts.

A Security Council operates under the Office of the Prime Minister. The functions of the Security Council have been defined in the National Security Concept (State Gazette, issue 46/1998) and legally regulated by Decree No.216 of the Council of Ministers of 29 September 1998. Members of the Council are the Minister of Foreign Affairs, Minister of Defense, Minister of the Interior, Deputy Ministers of Foreign Affairs and Defense, Secretary General of the Ministry of the Interior and the Directors of the National Intelligence Service and the National Security Service. The Security Council sums up, analyzes and makes conclusions on the basis of all the current information regarding the risks for the national security; maps out concrete measures to neutralize the

[4] See Annex 4.

[5] See Annex 2.

dangers; coordinates the plans of special bodies to acquire information; comes up with an opinion on the allocation of resources; proposes solutions in crisis conditions. The Security Council is also the main institution determining the state policy in the suppression of terrorism.

With regard to the suppression of terrorism there exists an inter-agency mechanism for collecting, processing and spreading information on preparation for or commission of terrorist acts. The information about these activities comes from the intelligence services, the National Security Service of the Ministry of the Interior and the Ministry of Economy, which issues licenses for trade activities and arms trade deals.

The suppression of terrorism is one of the main functions of the National Service for Combating Organized Crime under the Ministry of the Interior including, since 1991, a separate division with two special units – for combating of internal and international terrorism. The tasks and activities of this Service have been laid down in the Regulations Implementing the Ministry of the Interior Act and, in keeping with the international police cooperation procedure maintained by the Ministry of the Interior, the officers in the Counter Terrorism Division perform direct information exchange and operative interaction with the respective law enforcement services of other states. Within the framework of the Institution Building Plan of the National Service for Combating Organized Crime, the division for combating of terrorism is to be set up as an information and coordination center of law-enforcement services.

The preliminary procedural investigation of acts of terrorism is carried out by the examining magistrates of the Special Investigative Service and 28 district investigative services operating as bodies of the Judiciary.

The Special Investigative Service investigates terrorist acts committed abroad, acts of politically motivated terrorism as well as cases of kidnapping and unlawful deprivation of liberty of persons enjoying international protection, taking of hostages whose release is contingent on certain conditions, perpetration of punishable acts against civil aircraft as envisaged in the respective conventions. This Service fulfills foreign requests for legal assistance related to procedural investigation of acts of terrorism. There are examining magistrates of this Service who specialize in the investigation of terrorist acts.

The competent Bulgarian institutions directly engaged in the efforts to combat crime and with a view to actively countering terrorism in the context of Resolution 1373, have worked out and now implement **the Plan of Detecting and Preventing Terrorist Activities in the territory of the Republic of Bulgaria**. As a follow-up to this Plan additional measures have also been undertaken aimed at:

1. Establishing a strict regime and control over hazardous materials by extending the requirements to persons who apply for and hold firearms or handle explosives and other hazardous matériel and enhancing the control over them.

2. Actively countering crimes related to the use of explosives through operative measures.

3. Carrying out complex security checks at sites where explosives, strong poisons, and radioactive and other hazardous matériel are kept.

Control is exercised over the strict observance of legal standards with regard to the supplies to ships sailing under a Bulgarian flag in implementation of the Commercial Navigation Code and the Decree on Commercial Navigation. The procedure of employing foreign nationals on a Bulgarian ship requires permission from the Minister of Transport and Communications. The authenticity of the foreign national's certificate of qualifications is verified by approaching the administration that has issued the document.

Ordinance No.7/2001 of the Ministry of Transport and Communications regulates the conditions and procedure of visits, maneuvers of ships and other vessels at the ports and drifts of the Republic of Bulgaria and the related loading and unloading regime. The control exercised over the compliance with the requirements under **Section 8 of the Ordinance does not allow the participation of unlicensed companies** or handling of unregulated dangerous cargo at Bulgarian ports.

The Government is about to submit to the National Assembly a draft-law to amend and supplement the Law on Foreign Trade in Arms and Dual Use Goods and Technologies (1996) for the purpose of strengthening the national mechanisms in that field. The proposed changes are targeted on improving the administration of licensing and permit regimes as well as the effective implementation of the respective international commitments of the country. The control over intangible transfers of technologies is improving as well as the one over

brokering activities related to foreign trade in arms and dual-use goods and technologies by introducing a regime of registration and licensing of companies engaged in brokering activities.

(b) Measures aimed at preventing the commission of terrorist acts including by an early warning to other states and exchange of information

Of a special significance to the security of the Republic of Bulgaria is the protection of the Kozlodouy Nuclear Power Plant against any unsanctioned encroachment on the nuclear material during the time of its exploitation, safekeeping and transportation as well as with regard to sabotage against the nuclear installations and material. To that end, a physical protection concept has been developed on the basis of the threat to the Nuclear Power Plant as defined by the National Security Service and the category of the nuclear material. The System of Physical Protection of the Kozlodouy Nuclear Power Plant has been organized in keeping with the requirements of Ordinance No.6/06.08.1993 and INF CIRC/225/REV 4 of IAEA and provides for administrative and technical procedures.

Specific measures have been worked out with a view to preventing the commission of terrorist acts, including by extending early warnings to other states through exchange of information, by the competent bodies of Ministries and institutions pertinent to this process. Within the system of the Ministry of the Interior, a rapid reaction unit has been established to respond to signals for threats of terrorist acts.

The interaction among the competent services of the Ministry of the Interior has been improved with a view to acquiring anticipating information on preparation and commission of terrorist acts against particularly important targets including diplomatic missions. The protection of these particularly important sites is provided by security guards of bodies of the Ministry of the Interior and licensed security companies.

The exchange of intelligence information with analogous units of NATO Member-States and states of the anti-terrorist coalition regarding the suppression of terrorism has improved. Guidelines have been approved for officers on duty in emergency and critical situations and procedures for interacting and informing the bodies of the Ministry of the Interior, Civil Defense, Fire and Emergency Service. Daily instructions are given to rule out cases bordering on elements of terrorism, which could lead to preparation, and commission of acts having a bearing on the security of the railway infrastructure and the safety of passengers and cargo.

A system of security measures in the civil aviation has been built up in line with the Standards and Recommendations of Annex 17 of the Convention of the International Civil Aviation Organization (ICAO). The system has been regulated by the Ministry of the Interior Act, the Civil Aviation Act, and Ordinance No.17/99. Security measures are also to be stepped up in case of a greater probability of occurrence of an act of unlawful interference. Actions in that direction were undertaken as early as on 11 September 2001 under Annex L of Document 30 ("Safety") of ECAC.

The Civil Defense State Agency participates in the established automated system of radiation monitoring for early warning in case of nuclear accidents and cross-border pollution with radioactive substances.

Within the framework of the Civil-Military Emergency Planning Process for South-Eastern Europe, an Agreement establishing the Council of heads of the institutions responsible for protection of the population in natural disasters, emergencies and catastrophes, has been worked out. Bulgaria, Croatia, Slovenia and the Republic of Macedonia have signed, as of the present moment, the Agreement. Apart from the signatories, Albania, Romania, Greece and Turkey have taken part in the tests conducted for the purpose of cutting down the time of reaction of the respective countries.

Pending is the ratification by the Bulgarian side of the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, which envisages an early warning to other states through exchange of information.

(c) Refusal to grant asylum to terrorists

The Republic of Bulgaria, through its legal system and the undertaken practical measures, does not allow that asylum be granted to any persons who finance, plan, facilitate or commit terrorist acts or provide safe haven to such persons.

Under the Refugee Act in force, a refugee status shall not be granted to a foreign national for whom there are grounds to suppose that he/she commits or incites acts contrary to the goals and principles of the United Nations – which the terrorist acts undoubtedly are (Article 13, sub-paragraph 3 in conjunction with Article 1 F of the Convention on the Status of Refugees of 1951). This provision, as well as many others of the Refugee Act under Article 13, is effectively applied to refuse asylum to persons who finance, plan, facilitate or commit terrorist acts.

In case an extradition request has been made, the Ministry of Justice, as a central body under the European Convention on Extradition, sends a notice to the Agency for Refugees in order to prevent that a refugee status be granted to a person who has planned, facilitated or participated in the commission of terrorist acts.

In addition to that, the Additional Protocol to the European Convention on Extradition, Section I, Article 1a excludes crimes against humanity as grounds for refusing extradition for political reasons.

(d) Prevention of terrorist activities in the territory of the Republic of Bulgaria

By legislative and practical measures, the Bulgarian state exercises an effective control over the use of its territory by those who intend to finance, plan, facilitate or commit terrorist acts for such purposes against other states or their nationals.

The Bulgarian Criminal Law contains special provisions incriminating the use of the territory of the country for preparation or commission of terrorist acts against other states (Article 356b of the Criminal Code). Besides, under Article 10, paragraph 1, sub-paragraph 4 of the Foreign Nationals Act, foreign nationals for whom there is information that they are preparing to commit terrorist acts may not be admitted to the territory of the country.

(e) Steps made to establish terrorist activities as serious criminal offences

According to the Bulgarian legislation (Criminal Code), the subject of terrorist acts can be both individuals and groups and organizations. In the broadest sense, the law covers all hypotheses of terrorist activities envisaged in the international instruments. They relate to crimes committed on board of an aircraft to offences endangering the security of the air traffic, against taking of hostages, protection of nuclear material, extradition of persons who have committed terrorist acts. A criminal offence is the preparation for such acts or the setting up of a group or organization on the Bulgarian territory for the purpose of committing a crime abroad resorting to the use of explosives, taking of hostages, endangering the safety of the civil aviation, generally dangerous pollution of the environment.

The Bulgarian state takes all the necessary legislative and practical measures so that each person involved in the financing, planning, preparation for or commission of terrorist acts or support for such acts be liable to the judicial bodies, and guarantee, in addition to all other measures against terrorist acts, that such acts are treated as grave criminal offences under the domestic legislation and provisions and that the punishments duly reflect the gravity of such terrorist acts.

The Criminal Code sets out a detailed list of corpora delicti and punishments for actions constituting terrorist acts under the relevant UN conventions (see item 1 (b)). The criminal law in force regarding these criminal acts has been harmonized, to a great extent, with the international standards.

Crimes constituting terrorist acts under the Bulgarian Criminal Code are:

- depriving of life and inflicting a severe bodily injury to a state or public figure as well as causing the death of one or more persons (Article 96);
- depriving of life and inflicting a severe bodily injury to a representative of a foreign state (Article 99);
- destroying or damaging public buildings, construction projects, installations, equipment, transport vehicles or means of communication, or other significant public property (Article 106);
- murdering an official, a representative of the public as well as a serviceman, including one of an allied or friendly state or army, during or in connection with the performance of his duty or function, of a person enjoying international protection as well as murdering in a way or by means dangerous to the life of many (Article 116, paragraph 1, sub-paragraphs 1 and 6);
- setting on fire a building or other property of a considerable value including damaging or destroying the property under Article 330 by an explosive (Article 333);

- causing an inundation and thereby exposing to a danger the life or property of another person (Article 334);

- damaging rolling stock or railway lines, an aircraft, an automobile, an electric transport vehicle or equipment, or accessories to them, a tunnel, a bridge or a supporting wall on the roads as well as a ship thereby creating danger for the life of another person or for considerable endamagement of another person's property (Article 340, paragraph 1);

- destroying an aircraft in operation or inflicting on it a damage that make it unfit for flight or endanger its safety in flight (Article 340, paragraph 2);

- placing into an aircraft a device or substance which can destroy it or damage it making it unfit for flight or creating danger for its safety in flight (Article 341a, paragraph 1);

- endangering the safety of an aircraft in flight (Article 341a, paragraph 2);

- exerting violence against a person on board an aircraft in flight if this act has been of such a nature as to endanger the safety of the aircraft (Article 341a, paragraph 3);

- unlawfully seizing an aircraft on the ground or in flight or establishing control over such an aircraft (Article 341b);

- intentionally causing death, bodily injury or considerable property damage in driving a railway rolling stock, an aircraft, a motor vehicle, a vessel, a combat or special machine and violating the traffic regulations (Article 342, paragraph 3);

- removing or shifting to another place a sign or signal intended for securing the safety of movement or railway traffic, water transport and electric transport as well as putting up such a false sign or giving a false signal (Article 344);

- intentionally putting or admixing an object hazardous to human life or health in a well, spring, water mains or another installation intended for public use whereupon or whereby potable water is supplied (Article 349, paragraph 1);

- spreading agents of epidemic diseases for the purpose of infecting people (Article 349, paragraph 3);

- preparing foodstuffs or drinks intended for public use in a way so that therein substances hazardous to human health are formed or allowed to enter as well as selling, offering for sale or otherwise distributing such foodstuffs or drinks (Article 350);

- polluting or allowing the pollution of water sources, basins, underground waters, territorial and inland sea waters, the soil and the air thereby rendering them hazardous to people, animals and plants or making them unfit for use (Article 352, paragraph 1);

- acquiring, holding, appropriating or giving to another person, without due permission, highly active or poisonous substance which is not narcotic substance placed under permit regime as well as violating rules established for the production, acquisition, safekeeping, accounting, prescribing, transportation or carrying of such substances (Article 354).

The Convention for the Suppression of the Financing of Terrorism is to be ratified in the nearest future. On 6 December 2001 the Government of the Republic of Bulgaria adopted a decision proposing to the National Assembly that this Convention be ratified.

(f) assisting other countries in the investigation or legal proceedings against criminal offences related to financing or supporting terrorist acts

Combating acts of terrorism cannot be the responsibility of a single country. Counteracting such negative social phenomena could be achieved only through the joint efforts of all countries. In this relation, particularly important are the exchange of information in accordance with international agreements and national legislation and the co-operation between the countries on administrative and judicial matters in view of preventing commitment of terrorist acts.

Measures for establishing judicial co-operation for prevention of terrorist acts, and taking actions against perpetrators of such, are currently performed both under bilateral and multilateral international agreements now in force, and under conditions of reciprocity.

As regards the possibilities for legal assistance and support to detect and sentence persons involved in the preparation and perpetration of terrorist acts, the Republic of Bulgaria has ratified the Council of Europe Convention on Mutual Legal Assistance in Criminal Matters and the European Convention on Extradition and the European Convention on the Suppression of Terrorism. Hence, there are no obstacles to judicial co-operation and rendering assistance in investigating or in proceedings against criminal offences involving financing or supporting terrorist acts, including assistance in provision of evidence, which may be available in Bulgaria, if the same is needed by the competent authorities of other countries.

The Code of Criminal Procedure (CCP) contains separate sections on extradition and mutual legal assistance in criminal matters, the provisions of which have taken into consideration the international standards in the field of judicial co-operation. Unless otherwise provided for in any international agreement to which Bulgaria is a party the above rules will apply. Extradition and judicial assistance may also be implemented on reciprocal basis if no international agreement is signed (Art. 439 "a", paragraph 1 and Art. 461, paragraph 1 of the CCP).

In relation to the possibilities for implementation of judicial co-operation in the field of combating organised crime, fraud, corruption, money laundering and terrorism, it should be noted that the Constitution of the Republic of Bulgaria declares the ratified and promulgated international agreements that are in force as part of the national law and establishes their primacy over the provisions of the national legislation that are in collision with them. The above-mentioned criminal and criminal procedure regulations and the established priority of the international agreements have created the necessary conditions to effectively counteract organised crime, fraud, corruption, money laundering, and terrorism and to have successful judicial co-operation in this field with the other UN members and permanent observers countries.

In order to simplify the procedures applied in relation to judicial assistance and to expedite the exchange of information, the Ministry of Finance (the Financial Intelligence Agency) uses the legal provisions related to suspicions of money laundering. In such cases, the Law on the Measures against Money Laundering empowers the Financial Intelligence Agency to exchange information without any limitation on the basis of bilateral or multilateral agreements or on reciprocal basis, including information containing bank secrets.

International exchange of information within the financial flows monitoring system is envisaged for the purposes of preventing financing of terrorist acts (see 1 (e). The wording of the new law will be similar to the same provision in the Law on the Measures against Money Laundering.

An example of actual implementation is the interaction and information exchange between the Ministry of Finance (the Financial Intelligence Agency) and the US Embassy in Sofia, US Secret Service, US FinCEN (see item 1 (a) and 1 (d)).

(g) Preventing movement of terrorists or terrorist groups through efficient border controls and other measures

The specific geographical location of the Republic of Bulgaria involves a potential risk of persons and groups having terrorism as their ideology attempting to use the country as a transit and supply point. Therefore, the Bulgarian government makes considerable efforts to prevent the movement of terrorists or terrorist groups by means of effective border controls and control over the issuance of identity papers and travel documents, and also through measures for preventing forging and counterfeiting, or illegal use of identity papers and travel documents. Control over the 'green' and 'blue' borders has also been strengthened.

According to the Bulgarian legislation, all persons (Bulgarian and foreign nationals) passing through border checkpoints are subject to 100% border passport control and check (in real time) against the computerised information databases, including the information system of the Ministry of Foreign Affairs Visa Centre. Motor vehicles passing through border checkpoints are also subject to 100% control. The Border Control Automated Information System registers entries into and exits from the Republic of Bulgaria of any Bulgarian and foreign nationals, the documents used by them, and the transport vehicles they travel on. This registration allows for finding individuals and motor vehicles subject to field tasks.

Border authorities exercise control over the import and export of explosive substances, firearms and ammunition including documents thereof - permits for carrying them, for performing activities, licences to trade

in them, permits for transit transportation, export, import which specify the customs checkpoints, routes, time for transit transportation, and any administrative violation controls.

Border policemen effecting civil aviation security checks are in the process of being certified in accordance with the ICAO requirements and the Recommendation on training under ECAC national security programmes. Currently, conditions are provided for the introduction of 100% control of checked-in (unaccompanied) luggage.

Active interaction is also established with other government authorities having to do with civil aviation security.

In accordance with the Civil Aviation Law, and Regulation No. 17, the competent authority responsible for flight security is the **Civil Aviation Administration General Directorate (CAAGD) under the Ministry of Transport,** where a **Security and Protection and Procedure Simplification Division** has been established.

A Security and Protection Office is established and operating in the area of each airport complex under the management of the respective airport administration.

The security protection of public areas, airport perimeter, and railway station areas is assigned to the respective local police authorities.

After 11 September 2001, instructions have been sent to the airport border checkpoints to strengthen security measures within the airport complexes jointly with other competent authorities.

At the same time, our country is a party to the ECAC (European Civil Aviation Conference) initiative for exchange of information on the movement of persons and groups with forged or counterfeited documents (ECFALIS).

In their everyday activities, the authorities of the National Border Police Service of the Ministry of Interior use numerous and diverse technical means for controlling passing individuals, vehicles and documents thereof, some of which (DOCUTEST and DOCUBOX) allow for documenting forgeries made to identity papers of foreign and Bulgarian nationals, as well as technical devices for checking inbuilt UV security features while checking identity papers.

Other technical equipment used by border authorities for checking documents is as follows:

- Video spectral comparator (VSC) - document check system allowing for the use of various types of light and filters. It is connected to a PC (allowing for simultaneous comparison, matching elements of the suspicious document with an original document of the same issue), a camera, microscope, and a printer;
- HIT lenses for control of concealed images.

In their everyday activities they also use devices for detecting hidden people, like gas analysers for detecting individuals hidden in motor vehicles, and bio radars for detecting living bodies (people) in closed spaces.

Explosive and drug detecting devices are also used, as field narcotic drug tests, field explosive tests, and devices for detection of arms and dangerous metal objects, like manual metal detectors for personal checking of passengers (for the civil aviation), metal detector frames for checking passengers (for the civil aviation) and X-ray detectors for checking passengers' luggage.

Presently a computer information system (AFIS) is in operation for finger print-based checking and identification of individuals. The system has a capability of portrait (visual) identification.

Three factors are of particular importance for controlling flows of foreign nationals passing through and/or staying in the Republic of Bulgaria:

- reliable physical security of the border;
- strict regime of authorisation of foreign nationals' stay;
- documents with reliable security features and corresponding information systems, as well as the introduction of visas with adequate security features for initial entry into the country.

The Republic of Bulgaria is one of the leaders among the EU applicant countries in terms of security of its documents, hardware and software support of the authorisation regime and the documents, and the issuance of entry visas as well.

For the purpose of preventing crimes involving document fraud, tens of security features have been built in the new Bulgarian identity documents, which make their forging or counterfeiting practically impossible. Any attempt at this leaves traces detectable by the respective experts.

One of the duties of the Ministry of the Interior provided by law is control on foreign nationals' stay in the country. Pursuant to the Foreign Nationals Act, any foreign national who has entered the territory of the Republic of Bulgaria is bound within 48 hours time from entry into the country to state in writing the address, where he/she is staying at.

A computerised FAR (Foreigners' Address Registration) information system is being developed to upgrade the system for monitoring of foreign nationals' stay in the Republic of Bulgaria. While the existing Automated Information System for Servicing Foreign Nationals covers only information on foreigners staying for a longer period in the country, the new FAR (Foreigners' Address Registration) system is designed to collect, process and maintain address registration information on foreign nationals staying for a shorter period (less than 90 days) in Bulgaria.

3. (a) Increasing and speeding up exchange of operational information on actions and movements of terrorists or terrorists networks; trade in arms, explosives or materials with dual use.

The Republic of Bulgaria is a party to the key international conventions on transnational organised crime, illicit trafficking in narcotic drugs, money laundering, illicit trafficking in arms, illicit trafficking in nuclear, chemical, biological and other potentially lethal materials:

In relation to the enforcement of the provisions of UN Security Council Resolutions 1269/1999, 1368/2001 and 1373/2001, Bulgaria has taken the following actions:

1. Denial of permits for foreign trade transactions in arms and dual-use goods and technologies to countries against which sanctions have been imposed by international organisations on the exports to particular countries and regions, strict observation of all obligations of the Republic of Bulgaria stemming from its participation in international organisations and regimes, and in pursuance with concluded bilateral agreements.

By the end of 2001, the government is to submit to the National Assembly a draft law on amendments and supplements to the Law on Foreign Trade in Arms and Dual-use Goods and Technologies (1996) in view of strengthening the national mechanisms in this area.

2. Increasing the active participation of our exports controlling bodies in the work of international organisations and regimes with activities related to the control of foreign trade in arms and dual-use goods and technologies.

3. On-going actions are being taken to identify production enterprises and trade companies with activities that may fall under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CPCW).

4. So far, over 100 potential economic entities have been covered and are being monitored and information is required on annual basis from them on the planned and actually performed activities with toxin chemical substances and their precursors subject to declaring and control.

5. Special forms for collection of industrial data on the production, processing, storing and transfer of controlled toxin chemical substances have been developed and are continuously being improved in order to obtain maximum accurate information.

6. A specialised database is being developed for the purpose of ongoing monitoring of identified economic entities related to the enforcement of the CPCW. A contact person has been designated in each production enterprise for contacts on the CPCW enforcement issues.

7. The use of modern communication technologies with the enterprises and trade companies in relation to the compliance on their part with their obligations under the Law on the Prohibition of Chemical Weapons and Control on Toxin Chemical Substances and their Precursors (LPCW).

8. On specific occasions, proposals have been made for mandatory tying up of customs tariffs items with the CAS registration numbers of toxin chemical substances and precursors thereof subject to declaring and control as given in Schedules 1, 2 и 3 under CPCW. The aim is to obtain complete and accurate information on both the transfers effected, and on the companies effecting them.

9. The National Programme on the Implementation of the Tasks stemming from the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

10. Some specific projects have been proposed within the NATO Global Humanitarian Demining Initiative, and the activities of the Stability Pact for South Eastern Europe. They are both aimed at the destruction of existing stocks of anti-personnel mines in the region, and at using Bulgarian human resources and technological potential.

(b) Increasing and speeding up exchange of operative information and international co-operation in legal matters for the purpose of preventing terrorist acts.

In view of strengthening regional responsibility and active counteraction against international terrorism and international organised crime, the Republic of Bulgaria will implement on a regional level the measures envisaged in the EU Action Plan in the area of police co-operation. In this relation, actions will be taken for:

- Updating the bilateral agreements on combating cross-border crime with the Republic of Greece and the Republic of Romania by concluding intergovernmental police co-operation agreements, regulating exclusively the procedure and conditions for cross-border pursuit and surveillance, and providing co-operation on a mutual basis;
- Concluding an intergovernmental police co-operation agreement with the Republic of Macedonia and the FR Yugoslavia;
- Revising of bilateral and multilateral agreements (within the Black Sea Economic Co-operation) with Turkey, Georgia, Russia, Ukraine, etc.

Assistance in training of experts in all areas of security and civil aviation, in determining the approach to implementation of X-ray security checks of the checked-in baggage from 1 January 2003, provision of security devices, such as X-ray units, metal detector frames, etc., ensuring the membership of Bulgaria in the European Civil Aviation Security Agency (EACA) are also foreseen.

(c) Co-operation within bilateral and multilateral mechanisms for prevention of terrorist acts and measures against the perpetrators of such acts.

Bulgaria is a party to a number of bilateral and multilateral agreements that contain clauses concerning implementation of co-operation in the fight against terrorism.[6]

(d) Accession of the Republic of Bulgaria to international conventions for combating terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

The Republic of Bulgaria has also ratified the main international legal instruments in the field of extradition and judicial co-operation on criminal matters:

- European Convention on Extradition (promulgated in SG, Issue 8 of 24.01.1995 and Issue 9 of 27.01.1995);
- Additional Protocol to the European Convention on Extradition and Second Additional Protocol to the European Convention on Extradition (promulgated in SG, Issue 9 of 27.01.1995);
- European Convention on Mutual Assistance in Criminal Matters (promulgated in SG, Issue 8 of 24.01.1995);
- Convention on Transfer of Sentenced Persons (promulgated in SG, Issue 8 of 24.01.1995)

[6] See Annex 4.

(e) Actions taken in implementation of the respective international conventions and protocols on terrorism and on UN Security Council Resolutions 1269 (1999) and 1368 (2001).

The Republic of Bulgaria has implemented the international treaties against terrorism, see Operative Paragraph 2, subparagraph (a) and (b), Operative Paragraph 3, subparagraph (a) and has also followed up on all relevant Security Council resolutions against international terrorism and regimes providing support to terrorism.

(f) Existing laws, procedures, and mechanisms certifying that persons seeking asylum in the Republic of Bulgaria have not been involved in terrorist acts.

Whether an asylum seeker has been involved in terrorist acts or not is determined by taking down his/her identification features and other samples for comparative investigation. In accordance with the Refugees Act (SG, Issue 53/1999), Art. 44, paragraphs 2 through 4, these requirements are mandatory and are within the responsibility of the competent authorities conducting the procedures for granting refugee status. Due to lack of technical and financial capabilities of the Council of Ministers Agency for Refugees, presently no other identification features but documents and photographs are taken.

In view of eliminating shortages and loopholes in the existing legislation, a Draft-law on Asylum and Refugees is under preparation, and the same is at the stage of co-ordination with the ministries and agencies concerned.

(g) Existing procedures preventing terrorists from misusing the refugee status.

In accordance with the existing procedures and mechanisms for granting a refugee status in the Republic of Bulgaria, the employees of the Council of Ministers Agency for Refugees conduct procedural actions for establishing the causes, which have motivated any person to seek asylum in this country. In the process it may be found out that such person does not deserve international protection on the basis of the Excluding Clauses of the Convention on the Status of the Refugees of 1951 /Article 1F sub-paragraphs (a) through (c)/ and the Refugees Act of Bulgaria (Art. 13 paragraphs 1 through 3). For these clauses to be applicable it is sufficient to establish that "there are serious grounds to suppose" that an act described therein has been committed: "an act which in accordance with the Bulgarian law and the international agreements the Republic of Bulgaria is a party to is defined as a war crime or a crime against peace and humanity; a serious crime of non-political nature outside the territory of the Republic of Bulgaria; actions in conflict with the goals and principles of the United Nations" (Refugees Act, Art. 13, paragraphs 1 through 3). No formal evidence for previous criminal investigation is required.

The Republic of Bulgaria ratified the European Convention on the Suppression of Terrorism on 17 February 1998 with the following reservation: "The Republic of Bulgaria reserves the right, in accordance with Art. 13, paragraph 1 of the Convention to refuse the extradition with regard to any of the crimes enumerated in Art. 1, if the crime is regarded as a political crime. The Republic of Bulgaria interprets its reservation in the sense that the homicide or any crime implying homicide will not be regarded as a political crime". The Convention became effective for this country on 18 May 1989.

In October 2001 the Government approved and forwarded for consideration to the National Assembly a draft law on the withdrawal of the above-mentioned reservation. On 28 November 2001 the National Assembly passed the law on the withdrawal of the reservation concerning the European Convention on the Suppression of Terrorism. Thus, at present, the Republic of Bulgaria may not refuse the extradition of a person who has perpetrated a terrorist act, on the grounds of considering the crime for which the extradition is requested as a political crime."

4. The Government of the Republic of Bulgaria makes efforts for improvement of co-ordination and efficiency of the efforts at national, sub-regional, regional, and universal level aiming at supporting the fight against the transnational organised crime, illegal narcotic drug trafficking, money laundering, illegal trade in arms, and illegal movement of nuclear, chemical, biological, and other potentially lethal materials.

The Republic of Bulgaria has signed, ratified, and implemented the UN Convention on Transnational Organised Crime and two of the Protocols thereto: The Protocol against the Smuggling of Migrants by Land, Sea

and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (ratified on 12 April 2001).

In accordance with a Resolution of the Government of 15 November 2001, this country will accede to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition to the above-mentioned Convention within the current 56th Session of the UN General Assembly conditional on subsequent ratification.

The Republic of Bulgaria is a party to the key Conventions on Narcotic Drugs and the main Protocols to them: the Single Convention on Narcotic Drugs, 1961 and the Protocol, amending the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of 25 March 1972, the Convention on Psychotropic Substances, signed in Vienna on 21 February 1971; the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

In fulfilment of the decisions of the XXII Special Session of the United Nations on Drugs (1998), Bulgaria adopted the Narcotic Drugs and Precursors Act in 1998.

The Republic of Bulgaria develops a close co-operation with the International Drugs Control Council, UN Commission on Narcotic Drugs, UN Drugs Control Programme based in Vienna, with the Economic Commission for Europe, within the conferences of HONLEA at world-wide and regional levels, with INTERPOL, EUROPOL and the World Customs Organisation, Pompidou Group /Council of Europe/, PHARE Programme, and also on the basis of sub-regional initiatives and bilateral agreements.

The Republic of Bulgaria is a party to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ratified in 1993). In 1998 the National Assembly passed a Law on the Measures against Money Laundering (Promulgated in SG, Issue 85 of 24.07.1998, as amended in issue 1 of 2.01.2001/, /See 1, (c) and 1, (e)/.

Bulgaria effectively applies nation-wide the limitations imposed by the United Nations Security Council, the European Union, the Organisation for Security and Co-operation in Europe (OSCE), the Wassenaar Arrangement and other international export control and non-proliferation regimes. For this purpose, the adoption by the Government of legally binding acts has become a regular practice to explicitly regulate the obligations of Bulgarian legal entities and individuals under the restriction and prohibition regimes and to impose penalties against possible violators.

Thus, for example, the Republic of Bulgaria has directly introduced by explicit Decrees of the Council of Ministers the regime of sanctions adopted by the UN Security Council against such states and organisations as UNITA (Angola), FR Yugoslavia, Afghanistan (the Taliban), Sierra Leone, Ethiopia and Eritrea, etc. in the legal framework of the country.

In compliance with the Resolutions of the UN Security Council, the EU and OSCE, the Republic of Bulgaria approved by a special Decree No. 91 of the Council of Ministers of 9 April 2001 a list of states and organisations against which a ban or restrictions on sales and deliveries of armaments, related equipment, and dual use goods and technologies were imposed.

As an OSCE member-country, in November 2000 Bulgaria made a political commitment to the implementation of the principles, norms, and measures included in the OSCE Document on Small Arms and Light Weapons (SALW). On February 1, 2001 the Council of Ministers adopted a decision for approval of the above OSCE Document and its nation-wide implementation.

Bulgaria participates in the UN Conference for Prevention of Illegal Trade in Small Arms and Light Weapons (SALW) in all its aspects and has undertaken a political commitment to implementing the Action Plan adopted by the Conference. The Republic of Bulgaria has been a member of the Wassenaar Arrangement since 1996.

In August 1998, the Republic of Bulgaria has acceded to the EU Code of Conduct in the field of trade in arms, and in December 1998 - to the decision for Joint Action of the EU Council for non-proliferation of SALW.

The Republic of Bulgaria participates in various international control regimes - the Nuclear Suppliers Group (since 1988), Zanger Committee (since 1993), and in the Australian Group since 2001.

The Republic of Bulgaria has ratified the Treaty on Non-proliferation of Nuclear Weapons (ratified in 1969), the Convention on Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on

their Destruction (ratified in 1994), the Convention on Prohibition of the Development, Production, Stockpiling and Use of Bacteriological (biological) and Toxin Weapons and on their Destruction (ratified in 1972). The Republic of Bulgaria is a party to the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980, the Agreement between the Republic of Bulgaria and the International Atomic Energy Agency for application of safeguards in connection with the Treaty on Non-proliferation of Nuclear Weapons (signed in 1972, effective from 1972) and to the Supplementary Protocol to the above-mentioned Treaty (signed on 1998, ratified in 2000).

On 13 November 2001 the National Assembly of the Republic of Bulgaria passed a Law on the ratification of **the International Convention for the Suppression of Terrorist Bombings adopted on 15.12.1997** and a ratification document will be deposited shortly with the Secretary General of the United Nations.

The Republic of Bulgaria took up a procedure under the national law for withdrawal of the reservation made in pursuance of Art. 13, paragraph 1 of the European Convention on Suppression of Terrorism (See 3.g)

5. The fight against organised crime and against terrorism in particular is a long process, involving a lot of human and material resources.

Training of antiterrorist-specialists is a basic component of this fight. Of course, the financial support of such specialists, and also the enhancement of their skills and knowledge in view of the quick development of methods and means used by the terrorists in their criminal acts are also an essential problem.

Therefore, concurrently with the practical efforts for prevention of criminal acts of individual persons or terrorist groups, countries like Bulgaria, which in terms of organisation and finances are short of significant resources, should use the experience, financial, and material assistance, which may and should be rendered to them in this critical period. Basically, the assistance should be in the form of providing know-how, specialised software, and co-operation in terms of exchange of information, expertise, and training of specialists with regard to use of technical means for detection of prohibited and particularly hazardous materiel, and also in the field of exchange of experience regarding enforcement of the Law on the Measures against Money laundering.

In this regard, it is also extremely important for the internal infrastructure to get possible assistance in the form of additional furnishing with video equipment and surveillance devices for observation of passengers and cargoes in the area of major railway stations; also purchase and installation of additional equipment for radioactive control of cargoes at the border railway stations and in the country; training and advanced training of the employees to be engaged in the operation and handling of the special equipment; providing the necessary safety protection means in case of emergency and crisis situations.

The Government of the Republic of Bulgaria welcomes the adoption of Resolution 1373 (2001) by the United Nations Security Council. It has taken up and will keep on taking practical measures for its enforcement. Through various legislative and administrative measures, the Bulgarian state exerts effective control against the use of its territory by individuals and legal entities, planning, assisting, financing, or perpetrating terrorist acts against other countries or their citizens. The Bulgarian Government makes and will continue to make efforts on bilateral and multilateral basis aiming at signing, ratifying, and enforcement by the UN member-countries of all universal and regional conventions related to the fight against terrorism and in particular the International Convention of 1999 for the Suppression of the Financing of Terrorism. The Republic of Bulgaria will actively and constructively contribute at all international forums to the adoption and enforcement of effective international legal system against terrorism, including a universal UN Convention against terrorism, which should be a universal framework for reference to the multitude of international legal instruments against terrorism.

Annex 1

DECLARATION

of the 39th National Assembly of 12 September 2001 on the Terrorist Acts of 11 September 2001 in the United States

Expressing its grief and indignation at the terrorist acts committed yesterday in the United States and unprecedented by their cruelty and cynicism,

Stating its heartfelt commiseration for the tragedy which befell thousands of innocent people,

Declaring its full solidarity with all the American people at this difficult moment,

Reaffirming its belief in the mainstays of world democracy and in the leading role of the United States in its advancement,

Declaring that there is no political or moral cause which may justify encroachment on the lives of innocent people,

The National Assembly of the Republic of Bulgaria

Sharply and categorically condemns the terrorist acts and views them as an overt aggression against modern civilization;

Urges that the perpetrators and instigators of this barbarian act be found and severely punished;

Calls on the international community to pool its efforts in a determined fight against all forms of terrorism and expresses its readiness to support the actions of the Bulgarian Government to that end;

Calls upon the United Nations to proclaim 11 September as a world day in commemoration of the victims of terrorism.

DECLARATION

of the 39th National Assembly of 21 September 2001 on the Terrorist Acts in New York and Washington

Recalling its principled position of condemnation of the barbarian acts of terrorism laid down in its Declaration of 12 September 2001, the Republic of Bulgaria reaffirms its position of a categorical and consistent condemnation of and counteraction to any forms of terrorism no matter whether they are of a national or international character and whether they are related to political, religious, ethnic, social or other motives;

Emphasizing the aspiration of the Republic of Bulgaria to become a full member of the North Atlantic Treaty Organization;

Guided by the belief that international terrorism constitutes a grave threat to peace and stability and reaffirming the affiliation of the Republic of Bulgaria to the family of countries sharing the values of democracy, humaneness and freedom,

The Thirty Ninth National Assembly:

1. Backs up the efforts of the United Nations Organization and the international community to build up a global coalition to combat terrorism and expresses the readiness of the Republic of Bulgaria to effectively participate in that process.
2. States its support to the NATO Council Statement of 12 September of this year in the spirit of its own Declaration of the same date.
3. Expresses its solidarity with the states affected by terrorism and the categorical determination of our country to provide an all-round assistance for neutralizing, i.a. identifying, searching for, detaining and handing over any persons or groups involved in terrorist activities.
4. Supports the position of the Government of 13 September that the Republic of Bulgaria assist the United States of America and the NATO Member-States, as a factual ally, in the measures to combat world terrorism, and observe the commitments arising from the North Atlantic Treaty, including Article 5, in keeping with the national interest of the country to become a full member of the Organization.
5. Reaffirms the readiness of the Republic of Bulgaria, under the Agreement between the Republic of Bulgaria and the North Atlantic Treaty Organization on Transit Passage of NATO Forces and Personnel, to provide the necessary assistance to the passage, servicing and logistic support to the respective formations in the conditions of rendering additional support.
6. Calls upon the Government of the Republic of Bulgaria to make further efforts, jointly with the allies, to guarantee the national security of the Republic of Bulgaria and the security of each of its citizens.
7. Declares the suppression of terrorism, in all its forms, a leading long-term priority of the Republic of Bulgaria

REPUBLIC OF BULGARIA

COUNCIL OF MINISTERS

D E C R E E No. 277

of 12 December 2001

on the implementation, by the Republic of Bulgaria, of Resolution 1373 /2001/ of the UN Security Council of 28 September 2001

THE COUNCIL OF MINISTERS

HAS DECREED

Article 1./1/ To block the funds and other assets or economic resources of:

1. persons, committing or attempting to commit terrorist acts or facilitate the commission of such acts;
2. entities owned or controlled, directly or indirectly, by persons under subparagraph 1;
3. persons and entities acting on behalf of or at the directions of persons under subparagraphs 1 and 2;

(2) To block the funds of third persons, which have been gained or have originated from any property possessed or controlled, directly or indirectly, by persons under paragraph 1 or by persons connected with them;

(3) Official information about persons under paragraphs 1 and 2 shall be provided by the competent state authorities.

Article 2. To prohibit Bulgarian citizens and persons and entities in the territory of the Republic of Bulgaria to provide, directly or indirectly, funds, assets or economic resources as well as financial services or other related services to:

1. persons committing or attempting to commit terrorist acts or facilitate the commission of such acts;
2. entities which are possessed or controlled, directly or indirectly, by persons under subparagraph 1;
3. persons and entities acting on behalf of or at the directions of persons under subparagraphs 1 and 2.

Article 3. To prohibit Bulgarian citizens and persons and entities in the territory of the Republic of Bulgaria to provide assistance in any form whatsoever, active or passive, to structures and persons involved in terrorist acts i.a. assistance in recruiting members of terrorist groups.

Article 4. To prohibit the sale, supply or transfer, by Bulgarian persons and entities or from the territory of the Republic of Bulgaria, of any kind of armaments and related equipment of any kind whatsoever to any persons and entities involved in the preparation and commission of terrorist acts.

Article 5/1/ For non-implementation of the obligations under Article 1-4 and if the act does not constitute a crime, Article 32, paragraph 1 of the Law on Administrative Breaches and Punishments provides for administrative and criminal liability.

/2/ Where the breach under paragraph 1 is committed by a entity or a sole-proprietor trader, a property sanction of up to 100 000 shall be imposed.

/3/ Establishing breaches, drawing up acts, issuing, appealing against and implementing punitive decrees shall be done pursuant to the provisions of the Law on Administrative Breaches and Punishments.

Article 6. The Minister of Foreign Affairs shall notify the Committee set up under § 6 of Resolution 1373 /2001/ of the UN Security Council of the measures undertaken by the Republic of Bulgarian in implementation of the Resolution.

CONCLUDING PROVISIONS

§ 1. The Minister of Finance, the Minister of Economy, the Minister of the Interior, the Minister of Foreign Affairs and the Minister of Transport and Communications shall be instructed, and the Governor of the Bulgarian National Bank shall be recommended to exercise control over the enforcement of the Decree.

§ 2. The Decree shall take effect on the day of its promulgation in the State Gazette.

PRIME MINISTER: s/ Simeon Saxe-Cobourg-Gotha

SECRETARY GENERAL
OF THE COUNCIL OF MINISTERS: s/ Sevdalin Mavrov

Annex 2

List of International Legal Instruments Related to the Prosecution and Punishment of Various Forms of Terrorism to which the Republic of Bulgaria is a Party as of the Present Moment

- Convention on the Physical Protection of Nuclear Material;
- International Convention against the Taking of Hostages;
- Convention for the Suppression of Unlawful Seizure of Aircraft;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
- European Convention on the Suppression of Terrorism, signed at Strasbourg on 11 September 1997;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;
- Convention on the Safety of the United Nations and Associated Personnel, 9 December 1994;
- United Nations Convention against Transnational Organized Crime;
- International Convention for the Suppression of the Financing of Terrorism;[1]
- International Convention for the Suppression of Terrorist Bombings.[2]

[1] The Council of Ministers submitted the Convention to the Parliament for ratification by Decree No.804 of 10 December 2001.
[2] The Convention is ratified and is to be published in the State Gazette.

Annex 3

List of Regulatory Acts of the Domestic Legislation of the Republic of Bulgaria Related to the Suppression of Terrorism:

- National Security Concept – adopted by decision of the National Assembly (promulgated in the State Gazette, issue 46/1998);
- Criminal Code;
- Code of Criminal Procedure;
- Law on Special Intelligence Means;
- Law on Control over Explosives, Fire Arms and Ammunition;
- Law on Control over Foreign Trade in Arms and Dual Use Goods and Technologies;
- Law for Prohibition of Chemical Weapons and Control over Toxic Chemical Substances and Their Precursors;
- Law on the Ministry of the Interior;
- Law on Bulgarian Identity Documents;
- Regulations of Application of the Law on the Ministry of the Interior;
- Ordinance No. 17 of 14 December 1999 on the Conditions and Procedure of Attaining Civil Air Traffic Security;
- Decree No. 39 of 27 March 2000 of the Council of Ministers in implementation of Resolution 1267 (1999) of the UN Security Council "Freezing of Financial Resources Owned or Controlled by the Taliban Group";
- Special Decree No. 277 of the Council of Ministers of 12.12.2001 regarding the Measures to Combat International Terrorism Envisaged in Resolution 1373 (2001).

Annex 4

List of Bilateral and Multilateral International Agreements Containing Clauses on Cooperation in the Suppression of Terrorism to which the Republic of Bulgaria is a Party

- Agreement on Cooperation to Prevent and Combat Cross-Border Crime signed on 26 May 1999 within the framework of the Initiative of Cooperation in South East Europe;

- Agreement among the Governments of the Black Sea Economic Cooperation Participating States on Cooperation in Combating Crime, in particular in its Organized Forms, signed on 2 October1998;

- Cooperation Agreement among the Government of the Republic of Bulgaria, the Government of Romania and the Government of the Republic of Turkey in Combating Terrorism, Organized Crime, Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, Money Laundering, Arms and Human Trafficking and Other Major Crimes signed on 6 April 1998;

- Protocol for Enhanced Trilateral Cooperation in Combating Crime and Especially Cross-Border Crime among the Government of the Republic of Bulgaria, the Government of the Hellenic Republic and the Government of Romania signed on 8 September1998;

- Treaty of Understanding, Friendship and Cooperation between the Republic of Bulgaria and the French Republic (State Gazette, issue 94/1993);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Belgium on Police Cooperation and Protocol to Article 1 of the Agreement (subject to ratification, State Gazette, issue 29/2001);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Kingdom of Spain on Cooperation in the Fight against Crime (State Gazette, issue 12/2000);

- Agreement between the Government of the Republic of Bulgaria and the Government of the Italian Republic on Police Cooperation in the Fight against Organized Crime (State Gazette, issue 58/2001);

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Republic of Albania signed on 24.01.1944 in Tirana and Protocol of Understanding between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Republic of Albania signed on 7 November 2000 in Tirana;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of Public Order of the Hellenic Republic signed at Athens on 8 July 1991 and Protocol for the Implementation of the Agreement on Cooperation signed on 22 February 1996 in Sofia;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of the Republic of Macedonia signed on 20 October 1992 in Skopie;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of Romania signed on 26 February 1992 in Bucharest and Protocol-Appendix to the Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of Romania signed on 21 December1995 in Sofia;

- Agreement on Cooperation between the Ministry of the Interior of the Republic of Bulgaria and the Ministry of the Interior of the Republic of Turkey in the Fight against Illicit Drugs Trafficking, Terrorism and

Organized Crime signed on 3 February 1993 in Ankara and Protocols of the Meetings between the Ministers of the Interior of the Republic of Bulgaria and the Republic of Turkey held in 1999 and 2001;

- Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Croatia on Cooperation in the Fight against Organized Crime, Illicit Narcotics and Psychotropic Substances Trafficking and Terrorism signed on 26 November 1996 in Sofia;

- Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Slovenia on Cooperation in the Fight against Organized Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and Other Serious Crimes signed on 5 November 2001 in Ljubljana.